

## **HIV / AIDS**

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#### **AIDS Testing, Research Bill Blocked by Helms October 12, 1988**

##### **Los Angeles Times**

By Josh Getlin

##### *Sponsors Fear Measure Will Die as Senator Bars Final Approval, Assails Confidentiality Protection*

WASHINGTON — Despite last-minute efforts to keep it alive, a sweeping AIDS testing and research bill may die in the waning days of the 100th Congress because of the opposition of one Republican senator, legislators said Tuesday.

The measure, which cleared the House and Senate by large margins, normally would go to a conference committee before being finally approved and sent to the President. But Sen. Jesse Helms (R-N.C.) has threatened to filibuster the bill and keep it from going to conference unless sponsors drop provisions protecting the confidentiality of AIDS testing results.

So far, Helms' tactics appear to be working. With Congress set to adjourn at the end of this week, negotiators representing Rep. Henry Waxman (D-Los Angeles) and Sen. Edward M. Kennedy (D-Mass.), the sponsors, are meeting with Helms' staff to try to salvage the legislation. But they believe that the confidentiality provisions -- and the AIDS bill itself -- are all but dead.

##### **Fears Inhibiting Effect**

"I think it's outrageous that one senator can bring this bill down," Waxman said. "If we don't have provisions protecting confidentiality in AIDS testing, then thousands of people who may be infected will never come forward. It's irresponsible to block this kind of a bill."

If the AIDS legislation dies, funds still will be available to fight the disease because Congress passed a separate bill appropriating \$1.2 billion earlier this year. But the authorizing legislation sponsored by Waxman and others is important because it sets federal policies on testing and in many cases specifies how the funds are to be spent.

Although some of the money still can be spent on existing programs without the federal guidelines, as much as \$400 million intended for new state testing programs may be in limbo because this use was cited only in the authorizing bill.

##### **Objects to House Bill**

The controversy surfaced shortly after the House passed its version of the AIDS bill on a 367-13 vote last month. Within several days, the House appointed conferees to a committee that would meet with Senate counterparts and iron out differences in the two proposals. But the Senate failed to send its members into the conference committee when Helms, exercising his right under Senate rules, objected to several parts of the House bill and essentially froze the legislation in its tracks.

Helms, who could not be reached for comment, has battled with Kennedy and other senators over federal AIDS policy for several years. Earlier this year, he sponsored controversial amendments to the AIDS bill --

some of them successful -- that would bar federal funds from going to community organizations promoting or sponsoring homosexual activities.

But his last-minute move against the AIDS bill caught many of his colleagues by surprise. Although the Senate technically could vote to overrule Helms, stopping his filibuster probably would take more time under Senate rules than is left in this year's congressional session and leaders in the chamber do not see a way of getting the legislation through.

#### Grants to States

The AIDS bill would establish a comprehensive federal policy on testing, research and education. In particular, the legislation would authorize \$400 million annually in grants to states for testing programs.

To qualify for funds, states would be required to conduct AIDS tests for prostitution, sexual assault or crimes related to use of intravenous drugs. But the bill would protect rigorously the confidentiality of AIDS tests results, saying that widespread disclosure of the data would deter many infected persons from coming forward to be tested.

Those guidelines have been endorsed by the President's National Commission on AIDS and Surgeon General C. Everett Koop. By a large margin, the House defeated amendments that would have required physicians to report the names of all persons testing positive for the disease to state health officials.

#### Weighs Civil Liberties

However, Helms and others say that the federal government should not protect civil liberties at the expense of fighting the AIDS epidemic. The North Carolina senator also has complained that the Senate version of the bill does not contain any of the confidentiality guidelines and that he never had a chance to debate those provisions.

Although Waxman continues to seek some kind of compromise, Jeff Levi, with the National Gay and Lesbian Task Force, said that "if you gut those (testing and confidentiality) provisions, you're destroying the entire legislation. . . . The whole effort to develop a national policy will go down the drain."

If the bill dies, Waxman said, he will reintroduce it quickly next year. The House would be "extremely likely" to approve an identical bill by a lopsided margin, he added.